

**REMARKS**

Claims 38 and 39 have been added. Claims 11, 38 and 39 are the independent claims. Claims 11-24, 38 and 39 are pending and under consideration. No new matter is presented in this Amendment and entry and reconsideration are respectfully requested. Proper support for newly added claims 38 and 39 can be found in the specification at least at paragraphs [0075], [0079] and [0080].

Regarding independent claim 38, it is noted that claim 38 recites a method of preparing a positive active material including a core and a surface-treatment layer, for a rechargeable lithium battery, the method comprising: coating the core including at least one lithiated compound, with an organic solution of coating material source or an aqueous solution of coating material source; and drying the coated core **at a temperature** where a conversion of a precursor to an oxide does not occur, forming the surface treatment layer on the core.

Kweon discloses a method for forming a positive active material which includes the steps of mixing the powder, removing the solvent and then drying the compound. Thereafter, the dried compound is **heat-treated** at temperatures ranging from 100°C to 1000°C and only after the compound is heat treated is the positive active material formed. Therefore, Kweon discloses a method for forming a positive active material along the lines as the one disclosed in the conventional art, where the procedure includes a mixing step, a solvent removing step, a drying step and thereafter a **heat-treating step** performed at a very high temperature and not **at a temperature** where a conversion of a precursor to an oxide does not occur, as recited in the independent claim.

Wang discloses a method of treating lithium manganese oxide. The method includes immersing in a lithium hydroxide solution at ambient temperature, lithium manganese oxide powder and stirring the mixture for sufficient time to saturate the powder with hydroxide. The solution is heated to evaporate substantially all the water contained therein leaving behind lithium hydroxide coated particles. The lithium hydroxide coated powder is exposed to an environment of carbon dioxide **at a temperature between 200°C and 700°C**. Such treatment removes any residual moisture from the coated powder (column 2, lines 30-44). Accordingly, Wang also discloses a heat-treating step at a very high temperature and not **at a temperature** where a conversion of a precursor to an oxide does not occur, as recited in the independent claim.

Regarding independent claim 39, it is noted that claim 39 recites a method of preparing a positive active material for a rechargeable lithium battery comprising: coating a core having at least one lithiated compound with an organic solution of coating material source or an aqueous solution of coating material source; and drying the core without heat-treating the core, forming a surface treatment layer on the core, wherein the surface treatment layer includes a coating element-included hydroxide, oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof.

As noted above, Kweon discloses a method for forming a positive active material along the lines as the one disclosed in the conventional art, where the procedure includes a mixing step, a solvent removing step, a drying step and thereafter a **heat-treating step** performed at a very high temperature and not forming a surface treatment layer includes a coating element-included hydroxide, oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, as recited in the independent claim.

Wang also discloses a heat-treating step at a very high temperature and not forming a surface treatment layer includes a coating element-included hydroxide, oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, as recited in the independent claim.

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. There being no further outstanding rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If there are any additional fees associated with filing of this Preliminary Amendment, please charge the same to our Deposit Account No. 50-3333.

Respectfully submitted,

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